
By: **Senator Dyson**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Fishery Management Plans - Sport Fishing**

3 FOR the purpose of prohibiting the Department of Natural Resources from adopting
4 a fishery management plan that prohibits a Chesapeake Bay sport fishing
5 licensee from fishing for finfish; providing for an exception if the Department
6 makes certain findings; requiring certain regulations adopted by the
7 Department to include certain criteria, establish a timetable for review, meet
8 certain standards, and contain a certain contingency; altering certain
9 requirements and authority of the Department that apply to the adoption of a
10 fishery management plan; and generally relating to fishery management plans
11 and Chesapeake Bay sport fishing licensees.

12 BY repealing and reenacting, without amendments,
13 Article - Natural Resources
14 Section 4-215(a)(4)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Natural Resources
19 Section 4-215(c), (d), and (e)
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Natural Resources**

25 4-215.

26 (a) In this section the following terms have the meanings indicated:

1 (4) "Fishery management plan" means a document or report that
2 contains a systematic description of a given fishery and the objectives and
3 conservation and management measures for the fishery.

4 (c) (1) Conservation and management measures adopted under a fishery
5 management plan, to the extent possible:

6 (i) Shall prevent overfishing while attempting to achieve the best
7 and most efficient utilization of the State's fishery resources;

8 (ii) Shall be based on the best information available;

9 (iii) [May] SUBJECT TO SUBSECTION (D)(2) OF THIS SECTION, MAY
10 not discriminate unfairly among groups of fishermen [or];

11 (IV) MAY NOT have economic allocation as its sole purpose;

12 [(iv)] (V) Shall take into account and allow for variations among,
13 and contingencies in, fisheries, fishery resources, and catches; and

14 [(v)] (VI) Shall avoid duplication of regulatory efforts and
15 unnecessary costs to the State and to any other person.

16 (2) [If] SUBJECT TO SUBSECTION (D)(2) OF THIS SECTION, IF it becomes
17 necessary to allocate or assign fishing privileges among various groups of individuals
18 under paragraph (1)(iii) of this subsection, or under any fishery management plan,
19 that allocation shall be:

20 (i) Fair and equitable to all individuals;

21 (ii) Reasonably calculated to promote conservation; and

22 (iii) Carried out in such a manner that no particular individual,
23 corporation, or other entity acquires an excessive share of such privileges.

24 (d) (1) A fishery management plan may apply separately or jointly to the
25 waters of the Chesapeake Bay and its tidal tributaries, the coastal bays and their
26 tributaries, and the Maryland waters of the Atlantic Ocean and shall include:

27 [(1)] (I) The best available estimates of sustainable harvest rates;

28 [(2)] (II) Indicators that would trigger any tightening or loosening of
29 harvest restrictions;

30 [(3)] (III) A description of the fishery, including:

31 [(i)] 1. The history of the fishery, and its current condition
32 relative to historic populations;

33 [(ii)] 2. The numbers of potential commercial and recreational
34 fishermen projected to participate in the fishery;

- 1 [(iii)] 3. The type and quantity of fishing gear used commercially;
2 [(iv)] 4. Where practicable, the cost likely to be incurred in the
3 management of the fishery; and
4 [(v)] 5. The actual and potential revenues from the recreational
5 and commercial fishery; and
6 [(4)] (IV) Other pertinent data that will assist the Secretary in
7 determining conservation and management measures reasonably necessary to ensure
8 that the fishery resources will be sustained.

9 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
10 PARAGRAPH, A FISHERY MANAGEMENT PLAN MAY NOT PROHIBIT A HOLDER OF A
11 CHESAPEAKE BAY SPORT FISHING LICENSE UNDER § 4-745 OF THIS TITLE FROM
12 FISHING FOR FINFISH IN THE CHESAPEAKE BAY OR IN ITS TRIBUTARIES UP TO
13 TIDAL BOUNDARIES.

14 (II) A FISHERY MANAGEMENT PLAN MAY PROHIBIT A HOLDER OF A
15 CHESAPEAKE BAY SPORT FISHING LICENSE FROM FISHING FOR FINFISH IN THE
16 CHESAPEAKE BAY OR IN ITS TRIBUTARIES UP TO TIDAL BOUNDARIES IF THE
17 DEPARTMENT FINDS:

18 1. CLEAR EVIDENCE THAT SPORT FISHING IS THE CAUSE OF
19 A SPECIFIC CONSERVATION OR MANAGEMENT PROBLEM; AND

20 2. THAT OTHER CONSERVATION OR MANAGEMENT
21 MEASURES, INCLUDING GEAR RESTRICTIONS, QUOTAS, OR SEASON CLOSURES, ARE
22 NOT ADEQUATE TO ADDRESS THE CONSERVATION OR MANAGEMENT PROBLEM
23 RELATING TO THE AFFECTED FINFISH.

24 (III) REGULATIONS ESTABLISHING A CLOSED AREA UNDER
25 SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL:

26 1. INCLUDE SPECIFIC MEASURABLE CRITERIA TO
27 ESTABLISH THE CONSERVATION OR MANAGEMENT BENEFITS OF THE CLOSED AREA;

28 2. ESTABLISH A TIMETABLE FOR PERIODIC REVIEW AT
29 LEAST ONCE EVERY 3 YEARS OF THE CONTINUED NEED FOR THE CLOSED AREA;

30 3. REQUIRE A CLOSED AREA THAT IS NO LARGER THAN IS
31 REASONABLY NECESSARY, AS SUPPORTED BY THE BEST AVAILABLE SCIENCE; AND

32 4. PROVIDE FOR THE REOPENING OF A CLOSED AREA IF THE
33 RELEVANT CONSERVATION OR MANAGEMENT PROBLEM IS NO LONGER PRESENT.

34 (e) [A] SUBJECT TO SUBSECTION (D)(2) OF THIS SECTION, A fishery
35 management plan may include:

1 (1) Proposed limitations on the catch of fish, based on area, species, size,
2 number, weight, sex, incidental catch, total biomass, or other factors, which are
3 necessary and appropriate for conservation and management of a fishery;

4 (2) Incorporation of relevant fishery conservation and management
5 measures proposed or adopted by interstate bodies of which Maryland is a member;
6 and

7 (3) Other proposed measures, requirements, or conditions and
8 restrictions which are necessary and appropriate for fishery management.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 2003.